



11-10-03

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Our Ref.: GEI-089
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: : M.C. Flood
BRUNO DONATINI :
Serial No.: 10/069,803 : Group: 1654
Filed: October 25, 2001 :
For: NOVEL....COMPOSITIONS :

NOTICE OF APPEAL

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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I hereby certify that this paper or fee is
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above and is addressed to the Commissioner for
Patents, P.O. Box 1450, Alexandria, VA 22313-1450
D. Halconer

Sir:

Applicant hereby appeals to the Board of Appeals from the Final Rejection of the
Primary Examiner dated May 6, 2003.

The Notice of Appeal fee of \$165.00:

[X] is to be charged to the American Express Account No. 3727-125685-62020 of
the undersigned attorney. PTO Form 2038 is enclosed herewith.

[] is to be charged to Deposit Account No. 02-2275

Should any extensions of time be required to maintain this case in pending
condition, appropriate requests therefor are hereby made. Authorization is hereby given
to credit any overpayments or debit any charges to Deposit Account No. 02-2275.

Signature: (Rule 191(b))... Charles A. Muserlian
Charles A. Muserlian, 19,683

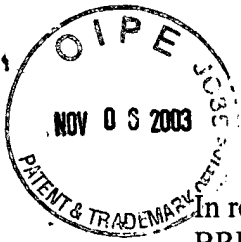
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Muserlian, Lucas and Mercanti
475 Park Avenue South
New York, N.Y. 10016
Tel. # (212) 661-8000

Dated: November 6, 2003

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475 Park Avenue South
New York, N.Y. 10016
November 6, 2003

REQUEST FOR EXTENSION OF TIME

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Further to the above-identified application, Applicant respectfully requests that the period for response to the outstanding office action be extended for one months until

November 6, 2003.

PTO Form-2038 is enclosed herewith authorizing that the appropriate fee be charged to the American Express credit card account # 3727-125685-62029 of the undersigned attorney. Should any further extensions of time or fees be necessary in order to maintain this application in pending condition, appropriate requests are hereby made and authorization is given to debit account #02-2275.

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D. M. Muserlian

CAM:ds
Enclosures

Respectfully submitted,
Muserlian, Lucas and Mercanti

Charles A. Muserlian
Charles A. Muserlian, 19,683
Attorney for Applicant
Tel. # (212) 661-8000



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RESPONSE

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Responsive to the advisory action of October 14, 2003, Applicant requests reconsideration of the application in view of the remarks presented herein.

The Examiner has refused entry of the amendment on the basis that they raise new issues. The Examiner indicates that a new limitation has been presented in claim 1 and has objected to the method claim 23 as requiring further consideration and/or search.

Applicant respectfully requests the Examiner to enter the amendment since it is believed that claim 1 in its present form is allowable. It is a combination of claims 1, 11 and 22 which the Examiner has indicated as being drawn to allowable subject matter. Therefore, entry of the "30 to 70% by weight" does not raise a new issue as it merely combines claims 1 and 11 and claim 22 has been incorporated into the combined claim in

order to put claim 1 in its amended form into allowable form. Therefore, entry of the amendment to claim 1 is deemed to be proper.

With respect to method claim 23, it is not believed to raise any new issues since it is merely the method of using the composition of claim 1 amended which subject matter the Examiner has indicated to be drawn to allowable subject matter and therefore, it does not require any further consideration since it is merely the use of a composition which the Examiner has deemed to be allowable. Therefore, entry of the amendment is requested under the provisions of Rule 116 for purposes of appeal as it puts the application in condition for allowance or in better condition for appeal.

Respectfully submitted,
Muserlian, Lucas and Mercanti



Charles A. Muserlian, 19,683
Attorney for Applicants
Tel. # (212) 661-8000

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